

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re U.S. Patent No. 7,403,687 B2	)	
Issue Date: July 22, 2008	)	Group Art Unit: 2839
Inventor: Smith et al.	)	Examiner: K. M. NGUYEN
Application No.: 10/023,713	)	Conf. No. 6867
Filed: December 21, 2001	)	
For: REINFORCED TIGHT- BUFFERED OPTICAL FIBER AND CABLES MADE WITH SAME	)	

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir:

**DETERMINATION OF PATENT TERM ADJUSTMENT - POST GRANT**

The U.S. Patent and Trademark Office (PTO) issued the subject U.S. Patent No, 7,403,687 (the '687 patent) with a patent term adjustment of 762 days. Applicants paid the Issue Fee on June 19, 2008, and agreed with the PTO's determination of patent term adjustment of 762 days, provided the patent issued in a timely manner. The patent issued on July 22, 2008. The three year pendency date for determination of patent term adjustment is December 21, 2004.

In view of the decision of the Federal District Court for the District of Columbia in *Wyeth v. Dudas* on September 30, 2008, patentee submits it is entitled to a total patent term adjustment of 859 days which is the sum of 1310 days of patent term adjustment due to exceeding three year pendency and 1428 days due to U.S. PTO delay in prosecution or a total of 2738 days, minus 1213 overlapping days and 666 days due to applicant delay.

If there are any fees due in connection with the filing of this request, please  
charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: January 15, 2009

By: 

Ernest F. Chapman  
Reg. No. 25,961

Enclosures  
EFC/mld